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; 513 248 6455

# 1 / 6

**MAR 24 2005**

Attorney Docket No.: IP-022963 (xpx-022963-US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Adam T. Bryant                      Group Art Unit: 3721  
Serial No.: 10/632,677                      Examiner: Paradiso, John Roger  
For: Apparatus and Method for Stretch-Wrapping Articles  
Filed: August 1, 2003

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the documents listed below are being facsimile transmitted to United States Patent and Trademark Office to Fax No.: (703) 872-9306, on March 24, 2005:

1. Cover Letter, 1 sheet(s);
2. Transmittal Form, PTO/SB/21, 1 sheet(s);
3. Response to Restriction Requirement dated February 24, 2005, 3 sheet(s)

By: 

Michele L Wolfer

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**MAR 24 2005**

THOMAS W BARNES  
PATENT AGENT  
INTELLECTUAL PROPERTY DEPARTMENT

**INTERNATIONAL  PAPER**

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**VIA CERTIFICATE OF FACSIMILE TRANSMISSION**

March 24, 2005

Mail Stop: Amendments  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**RE: RESPONSE TO RESTRICTION REQUIREMENT**

**Applicant : Adam T. Bryant**  
**Title : Apparatus and Method for Stretch-Wrapping Articles**  
**Our Ref. : xpx-022963-US**  
**Serial No. : 10/632,677**  
**Filing Date : August 1, 2003**

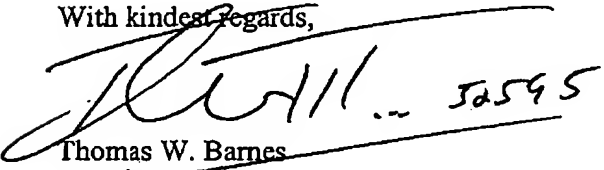
Dear Commissioner:

Enclosed herewith for filing, Applicant respectfully submits the following:

- 1.. Transmittal Form, PTO/SB/21, 1 sheet(s);
2. Response to Restriction Requirement mailed February 24, 2005, 3 sheet(s)

Please feel free to contact me if you have any questions concerning the above or the enclosed.

With kindest regards,

  
Thomas W. Barnes  
Reg. No. 52,595  
Patent Agent for Applicant

Encl.

PTO/SB/21 (09-04)

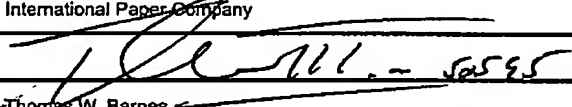
Approved for use through 07/31/2008. OMB 0851-0031

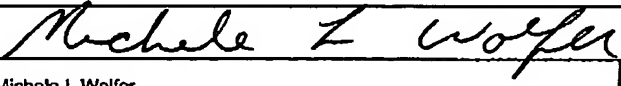
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/632,677
	Filing Date	August 1, 2003
	First Named Inventor	Adam T. Bryant
	Art Unit	3721
	Examiner Name	John Roger Paradiso
	Attorney Docket Number	IP-022963 (xpx-022963-US)
Total Number of Pages in This Submission	5	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	International Paper Company	
Signature		
Printed name	Thomas W. Barnes	
Date	March 24, 2005	Reg. No. 52,595

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Michele L. Wolfer	Date March 24, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.: IP-022963 (xpx-022963-US)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF Adam T. Bryant

: GROUP ART UNIT: 3721

SERIAL NO: 10/632,677

: EXAMINER: Paradiso, John Roger

FILED: August 1, 2003

FOR: Apparatus and Method for Stretch-Wrapping Articles

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP: PCT  
COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA VA 22313-1450

SIR:

Responsive to the Official Action dated February 24, 2004, Applicants elect, with traverse, Group I, Claims 1-19 and 22; drawn to an apparatus for stretch wrapping, for further prosecution.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-19 and 22; drawn to an apparatus for stretch wrapping; and

Group II: Claims 20-21 and 23, drawn to a process for stretch wrapping.

Applicants elect, with traverse, Group I, Claims 1-19 and 22; drawn to an apparatus for stretch wrapping, for further prosecution.

In regard to Groups II and I, the Office has characterized the relationship between these two groups as process and apparatus for its practice. Citing MPEP §806.05(e), the Office suggests that the process as claimed "can be performed without the means for pushing the article through the initial wrap". However, the Office has failed to show that such "means for pushing the article through the initial wrap" could be incorporated into an apparatus. Even if the Office has shown how such "means for pushing the article through the initial wrap" could be incorporated into an apparatus, the Office has failed to demonstrate how such an apparatus is materially different than the claimed apparatus. Thus, the Office has merely stated a conclusion absent any evidence or reasoning for such a conclusion.

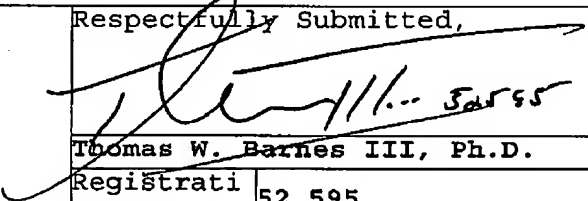
Applicants further traverse the Restriction Requirement on the additional ground that a search of all the claims would not impose a serious burden on the Office. The MPEP in §803 states as follows:

"If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn. If, however, the Office maintains such Restriction, the Office is reminded that it should rejoin the non-elected process claims if it should find that the apparatus claims are allowable.

Applicants further submit that this application is in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Correspondence Client Number: <b>01726</b>  (513) 248-6736 (phone) (513) 248-6445 (fax)	Respectfully Submitted, 	
	Thomas W. Barnes III, Ph.D.	
	Registration No.	52,595